IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9081 of 1992
with
CIVIL APPLICATION No. 6428 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RATHOD VAGHJIBHAI PASABHAI

Versus

MANOJ AHARWAL

Appearance:
MR KS JHAVERI for Petitioner
MR PR ABICHANDANI, AGP for Respondent No. 1
NOTICE SERVED for Respondent No. 2-4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 29/06/2001

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner had challenged the order dated 9.12.1992 passed by the Assistant Collector and Election Authority, Palitana cancelling the elections to

Sagapara gram panchayat and to submit a proposal to the Collector, Bhavnagar to extend the term of the panchayat till 30.6.1993.

2. This Court admitted the petition and granted interim relief restraining the respondents from holding fresh elections of Sarpanch of village Sagapara and staying the operation and execution of the aforesaid order dated 9.12.1992. The said interim relief was thereafter extended from time to time with the result that till today elections to Sagapara gram panchayat have not been held for the last nine years.

3. In view of the above, the State of Gujarat, the Returning Officer & Deputy Mamlatdar (Revenue) and the Election Officer have filed Civil Application No. 6428 of 2001 with a prayer to vacate the aforesaid interim relief dated 12.9.1993.

4. Having heard the learned counsel for the parties, it appears to the Court that whatever may be the substance in the grievances made by the petitioners at the time of filing this petition in January, 1993, there can be no reason whatsoever for not holding fresh elections to Sagapara gram panchayat now.

5. In view of the above, this petition is dismissed as infructuous. Rule is discharged with no order as to costs.

The interim relief granted earlier stands vacated forthwith and the respondents are directed to hold elections to Sagapara gram panchayat and to the office of the Sarpanch as expeditiously as possible and in any case within four months from the date of receipt of the writ of this Court or a certified copy of this order, whichever is earlier.

6. Since the main petition is disposed of and the interim relief is vacated, Civil Application No. 6428 of 2001 filed by the State Government does not survive and is disposed of accordingly.

(M.S. Shah, J.)

sundar/-